

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

STATE OF OHIO, ex rel.)	CASE NO. 1:11-CV-02474
DAVID P. JOYCE,)	
PROSECUTING ATTORNEY OF GEAUGA)	JUDGE JAMES S. GWIN
COUNTY, OHIO,)	
)	
Plaintiff,)	
)	
v.)	
)	
MERSCORP, INC. et al.,)	
)	
Defendants.)	

**UNOPPOSED MOTION FOR LEAVE TO FILE
JOINT BRIEF IN OPPOSITION TO PLAINTIFF'S MOTION
FOR CLASS CERTIFICATION IN EXCESS OF LOCAL RULE 7.1 LIMIT**

Pursuant to Local Rule 7.1(f) Defendants¹ file this unopposed motion respectfully

¹ Defendants are: Bank of America, CCO Mortgage Corporation, CitiMortgage, Inc., Citigroup Inc., Citibank, N.A., CoreLogic Real Estate Solutions, LLC, Corinthian Mortgage Corporation, Deutsche Bank National Trust Company, EverBank (mistakenly named as EverHome Mortgage Company in the original Complaint), Fifth Third Bank, GMAC Mortgage, LLC (f/k/a GMAC Mortgage Corporation and improperly named herein as GMAC Residential Funding Corporation), Goldman Sachs Mortgage Company, GS Mortgage Securities Corp, Home Savings and Loan Company of Youngstown, HSBC Bank U.S.A., Huntingdon National Bank, N.A., JPMorgan Chase Bank, N.A., KeyBank N.A., MERSCORP Holdings, Inc., Mortgage Electronic Registration Systems, Inc., Nationwide Advantage Mortgage Company, PMI Mortgage Services Co., RBS Securities Inc., RBS Citizens, N.A., SunTrust Mortgage, Inc., MGIC Investor Services Corp., United Guaranty Corporation, U.S. Bank, N.A., and Wells Fargo Bank, N.A.

requesting that the Court permit them to file a joint brief of up to thirty-five (35) pages in opposition to Plaintiff's Motion for Class Certification And Appointment of the Class Representative and Class Counsel ("Class Motion"). Defendants submit that good cause exists for the requested relief, which Plaintiff does not oppose, and in support state as follows:

1. Plaintiff filed an Amended Class Action Complaint on January 17, 2012.
2. On April 23, 2012, Plaintiff filed the Class Motion.
3. Local Rule 7.1(f) provides that briefs for non-dispositive motions shall not exceed fifteen pages in length, but allows the Court to extend the page limit for "good cause."

Defendants respectfully submit that good cause exists here for several reasons.

4. First, rather than file multiple separate briefs, Defendants have endeavored to prepare and file only a single joint opposition to the Class Motion. A single brief on behalf of the many defendants in this case will allow them to offer a streamlined, organized presentation of their arguments. Allowing them to file a brief in excess of Local Rule 7.1(f) limits will, therefore, reduce the amount of class certification briefing which the Court will receive, providing considerable efficiencies compared to the filing of numerous separate briefs about class certification issues.

5. Second, Defendants believe additional pages are needed given the nature of the Class Motion. Plaintiff seeks certification of a putative class consisting of all eighty-eight (88) Ohio counties; this request which raises numerous legal and practical issues about whether this case could be properly maintained as a class action under multiple provisions of Ohio law. Plaintiff also seeks certification of a class of Ohio counties under three, distinct provisions of Rule 23(b) (Rule 23(b)(1)(A), Rule 23(b)(2), and Rule 23(b)(3)). Defendants will need to separate brief each request. Finally, Plaintiff's motion implicates requests for a future injunction,

damages, and declaratory relief as to past events; each will need to be addressed.

6. Third, Defendants have recently obtained in discovery numerous documents and deposition testimony which they believe strongly support their legal arguments. Permitting them additional pages will allow them to explain these materials in appropriate detail for the Court.

7. Although Defendants have strived to present their arguments concisely, they believe the additional pages are necessary to allow them to adequately address the arguments in the Class Motion, present evidence obtained during class discovery, and otherwise explain why they believe class certification is inappropriate. This will better enable them to present the Court the arguments and materials needed for the “rigorous analysis” necessary to deciding class certification under Rule 23.²

8. Defendants seek the requested relief for good cause and in the interest of justice and economy, and do not intend to complicate or delay these proceedings. No party will be adversely impacted if this motion is granted.

9. Plaintiff does not oppose the relief sought.

For these reasons, Defendants respectfully request that the Court grant this Motion and allow Defendants to file a brief in opposition to class certification of up to thirty-five (35) pages.

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² *General Telephone Co. of Southwest v. Falcon*, 457 U.S. 147, 161 (1982); *Eldridge v. Cardif Life Ins. Co.*, 266 F.R.D. 173, 178 (N.D. Ohio 2010).

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CERTIFICATE OF SERVICE

I hereby certify that on May 2, 2012, a copy of the foregoing Motion was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ James S. Wertheim
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